

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ELLEN GERHART, et al.,
Plaintiffs

v.

**ENERGY TRANSFER
PARTNERS, L.P., et al.,**
Defendants

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No. 1:17-cv-01726

(Judge Kane)

ORDER

AND NOW, on this 14th day of December 2018, upon consideration of Defendants' motions to dismiss (Doc. Nos. 17, 19, 33, 47), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motions to dismiss (Docs. Nos. 17, 19, 33, 47), are **GRANTED AS FOLLOWS:**
 - a. Plaintiffs' federal law claims asserted in Counts I, II, and IV of the amended complaint (Doc. No. 49-1), against Defendants Sheriff William Walters and Deputy Sheriffs Jeffrey E. Leonard, Nathan Betts, and Daniel McCartney are **DISMISSED with prejudice**;
 - b. The following claims against the following Defendants are **DISMISSED without prejudice** to the Plaintiffs' filing of a second amended complaint in this matter within thirty (30) days of the date of this Order that corrects the pleading deficiencies identified in the Memorandum issued concurrently with this order:
 - i. Plaintiffs' federal and state law claims asserted in Counts I, II, III, IV, V, VI, VII, and VIII of the amended complaint (Doc. No. 49-1), against Defendants Energy Transfer Partners, L.P.; Sunoco Pipeline, L.P.; and Sunoco Logistics, L.P.;
 - ii. Plaintiffs' state law claims asserted in Counts VI, VII, and VIII of the amended complaint (Doc. No. 49-1), against Defendant TigerSwan, LLC; and
 - iii. Plaintiffs' state law claims asserted in Count VII of the amended complaint (Doc. No. 49-1), against Defendant Nick Johnson; and

2. The Clerk of Court is directed to **TERMINATE** Defendants Sheriff William Walters and Deputy Sheriffs Jeffrey E. Leonard, Nathan Betts, Daniel McCartney, Larry Cressman, and Nathan Goshorn from the above-captioned action.

s/ Yvette Kane

Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania